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NEW COMMERCIAL COURTS IN ENGLAND. — The expense and delay of mercantile litigation is a common and not unjustified source of complaint among business men, who feel that deterring suitors from enforcing their rights through a fear that justice will cost more than it is worth is hardly a legitimate application of the maxim that it is the policy of the law to discourage litigation. Some properly authorized method of judicial arbitration has been the remedy most frequently suggested. Some time ago England provided for the settlement of large classes of actions by private arbitration under certain regular rules; but after a full trial the system has given much less relief than was expected. The judicial inexperience of lay arbitrators, their lack of coercive power, their tendency to compromise, and the difficulty of avoiding appealable irregularities in their proceedings have shown that arbitration is successful only within narrow limits.

In consequence of this failure, what is called a Commercial Court has just been established, solely to determine mercantile disputes. It is intended to combine the authority and experience of an able judge with an elastic procedure adapted to the prompt settlement of actions. It certainly seems more sensible to shape the public tribunals of justice to existing needs than to shift the burden to the shoulders of private arbitration, and the importance of this latest experiment is by no means confined to the country making it.

COMPARATIVE LEGISLATION. — That neat and useful little summary of State legislation in 1894 in the New York State Library Bulletin, is now at hand, and gives, as usual, a concise and comprehensive view of its subject. A glance at the array of material suggests how much food for reflection lies in this topic, and how inadequately treated it usually is. It is, perhaps, not surprising that the ordinary lawyer, rushed with business, should content himself with noticing only the statutory changes in the law of the jurisdiction in which he practises, but it certainly is somewhat to be regretted. Such summaries as these, and such addresses as Judge Cooley's at the meeting of the American Bar Association in 1894, call attention only too unmistakably to the importance and the past neglect of the study of comparative contemporaneous legislation.

BANKER'S LIEN. — A recent decision in Kentucky is of interest as a new authority on an old and much disputed question in the law of banker's lien. The facts of the case were these. A bank discounted and held a note, and at the maturity thereof held on general deposit for the maker a sum sufficient to pay the note. It permitted this sum to be checked out, and the question was whether the defendant, a surety on the note, was thereby discharged. Defendant had signed the note, which presumably was a joint and several one, as a co-maker, but the bank knew that he was only a surety. The Court of Appeals of Kentucky held that the surety was discharged. *Pursifull* v. *Pineville Banking Co.'s Assignee*, 30 S. W. R. 203. The authorities are irreconcilable, but it is believed that on principle the decision is perfectly sound. In *accord* with it are *McDowell* v. *Bank of Wilmington*, 1 Harrington (Del.), 369; *Bank* v. *Henninger*, 105 Pa. St. 496. And see Morse, Banks and Banking, 3d ed. § 503. The opposite view is taken in *Bank* v. *Hill*,